



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,726	03/23/2001	John Kroeker	ELZK-004	8193

7590 04/14/2004
Toby H. Kusmer
McDermott, Will & Emery
28 State Street
Boston, MA 02109

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 04/14/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,726

Applicant(s)

KROEKER ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1,2,4-9, 11,14,17, and 18, are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (6587822) (hereinafter Brown).

4. As per claims 1, 11, and 18, Brown discloses a speech application system (Figure 2, element 122, col 4, lines 31-41), comprising:

A. a speech recognition (SR) system (Figure 2, element 122, col 4, lines 31-41) configured to receive an audio input (figure 1, element 108, col 2, lines

Art Unit: 2154

6-64) and generate a set of semantic data (col 13, lines 30-36) representing a plurality of valid interpretations of said audio input (col 13, lines 19-35);

B. a speech application script (col 13, lines 19-25), loaded at the SR system and configured to task said SR system script (col 13, lines 19-25), said application script defining a context (col 13, lines 19-25);

C. a semantic data evaluator (col 13, lines 19-35), configured to receive said set of semantic data and said context and (col 13, lines 19-35), as a function thereof, to generate a linguistic result corresponding to said audio input (see abstract, col 11, lines 60 -66), and to return said linguistic result to said application script (col 13, lines 19-35); and

D. a set of reusable object oriented interfaces (figure 2) local to the SR system (Figure 2, element 122, col 4, lines 31-41), said interfaces configured to interface said application script (col 2, lines 14-19) with said SR system (Figure 2, element 122, col 4, lines 31-41).

5. As per claim 2, Brown discloses one or more of said application script is included in a Web page (col 14, lines 13-21).

6. As per claim 4, Brown discloses an application script includes programming code written in a language chosen from a group of scripting languages comprising (1) Jscript; (2) PerlScript; and (3) Vbscript (col 14,

lines 1-14, it is inherent, Javascript, Jscript, PerlScript, and Vbscript scripting languages embedded in web page development).

7. As per claim 5, Brown discloses the set of semantic data is represented as a semantic tree instance (col 13, lines 30-35).

8. As per claim 6, Brown discloses the semantic data is represented in a semantic object (col 13, lines 19-35).

9. As per claim 7, Brown discloses audio the input is received from a device chosen from a group comprising (figure 1, element 108, col 2, lines 61-67):

- A. a telephone (figure 1, element 106-1, col 2, lines 61-67);
- B. a cellular telephone (figure 1, element 106-1, col 2, lines 61-67);
- C. a personal computer (figure 1, element 106, col 2, lines 61-67);
- D. an application server (figure 1, element 106-N, col 2, lines 61-67); and
- E. an audio receiver (figure 2, element 108, col 2, lines 61-67).

10. As per claim 8, Brown discloses an audio input is received via a network comprised of one or more wire or wireless networks from a group (figure 1, element 108, col 2, lines 61-67) comprising:

Art Unit: 2154

- A. a telephone network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);
- B. a cellular telephone network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);
- C. a LAN network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);
- D. a WAN network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);
- E. a virtual private network (figure 1, element 106-1, col 2, lines 61-67, col 3, lines 1-21);
- F. the Internet network (figure 1, element 106-1, col 2, lines 61-67); and
- G. the Web network (figure 1, element 106-1, col 2, lines 61-67).

11. As per claim 9, Brown discloses valid interpretations of said audio input includes all valid interpretations of said audio input within said context (col 13, lines 18-36).

12. As per claims 14 and 17, Brown discloses a speech application script included within a Web page (col 14, lines 13-18), and configured to interact with a SR system (figure 2, element 122) hosted on a first computer and configured to receive (col 4, lines 14-30) an audio input (figure 2, element

108, col 3, lines 23-29) and to generate one or more semantic objects (col 13, lines 30-36) representing a plurality of valid interpretations of said audio input (col 13, lines 19-21), said first computer also including a plurality of interfaces objects and a semantic object evaluator configured to generate from said one or more semantic objects a single interpretation of said audio input as a function of a context(col 13, lines 19-36), said speech application script comprising:

- A. a context definition (col 13, lines 16-17);
- B. a link to said semantic object evaluator (col 13, lines 30-36);
- C. a link to said SR system (figure 2, element 122), via a semantic interface object (figure 2, element 120), from said plurality of interface objects (col 13, lines 30-36);
- D. a set of control functionality comprising:
 - (1) a session manager configured to generate user prompts and to determine a next action as a function of said single interpretation (col 14, lines 13-21);
 - (2) a SR system controller (col 14, lines 1-13), configured to task said SR system (col 2, lines 24-52); and
 - (3) a communication manager (col 14, lines 1-13), configured to manage interaction with said input device (figure 2, element 108) via said SR system (figure 2, element 122), wherein said speech application script (figure 2,

element 110,112 is loaded on said first computer from a second computer (col 4, lines 31-46) and said speech application is configured to conduct speech application sessions without accessing said second computer (col 14, lines 1-13).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

14. Claims 3, 10, 12, 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (6587822) (hereinafter Brown) in view of Mikurak et al. (6606744) (hereinafter Mikurak)

15. As per claims 3, 13, and 15, Brown discloses interfaces are objects (col 14, lines 1 -14).

Brown fails to explicitly teach interfaces are object exposed via ActiveX facilities. However, Mikurak discloses teach interfaces are object exposed via ActiveX facilities (col 15, lines 21-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

Art Unit: 2154

use ActiveX component in web pages because ActiveX components create and manage interactive multimedia at the Web site on Microsoft platform and can be easily integrated with SQL Server or other Microsoft products).

16. As per claims 10,12, and 16, Brown discloses the speech application is chosen from a group of interactive speech applications (col 18, lines 21-27) comprising:

Brown fails to expressly teach the applications is chosen from a group of applications:

- A. consumer survey applications;
- B. Web access applications;
- C. educational applications, including health education applications and computer-based lesson applications and testing applications;
- D. screening applications, including patient screening applications and consumer screening applications;
- E. health risk assessment applications;
- F. monitoring applications, including health data monitoring applications and consumer preference monitoring applications;
- G. compliance applications, including applications that generate notifications of compliance related activities, including notifications regarding health or product maintenance;

Art Unit: 2154

H. test results applications, including applications that provide at least one of lab test results, standardized tests results, consumer product test results, and maintenance results; and

I. linking applications, including applications that link two or more of the applications in parts A through H.

However, Mikurak discloses the applications is chosen from a group of applications:

A. consumer survey applications (col 131, lines 5-15);

B. Web access applications (col 38, lines 7 -38);

C. educational applications, including health education applications and computer-based lesson applications and testing applications (col 38, lines 7 -38);

D. screening applications, including patient screening applications and consumer screening applications (col 150, lines 20-49);

E. health risk assessment applications (col 150, lines 20-49);

F. monitoring applications, including heath data monitoring applications and consumer preference monitoring applications (col 150, lines 20-49);

G. compliance applications, including applications that generate notifications of compliance related activities, including notifications regarding health or product maintenance (col 150, lines 20-49);

H. test results applications, including applications that provide at least one of lab test results, standardized tests results, consumer product test results, and maintenance results (col 150, lines 20-49); and

I. linking applications, including applications that link two or more of the applications in parts A through H (col 38, lines 7 –38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to build a system where users can get information via multiple channels such as IVR, electronic mail, and FAQ (Frequently Asked Questions) published on website.

Response to Amendment

17. Applicant's arguments filed 01/23/04 have been fully considered but they are not persuasive:

In response to applicant's argument " But there is nothing Brown cites that discloses, suggests or anticipates a set of", the examiner respectfully disagrees. The Brown prior art teaches a set of semantic data representing a plurality of valid interpretations by using grammar generator (fig 2, col 3, lines 60-67 and col 5, lines 60-63, Dictionary meaning of grammar is a book containing the morphologic, syntactic,

and semantic rules for a specific language). Therefore, limitation is met by the reference.

In response to applicant's argument " The action does not give any hint", the examiner respectfully disagrees. The Brown prior art teaches speech application script (col 2, lines 14-17, Dictionary meaning for the script: is a simple program in a utility language or an application's proprietary language) that tasks (col 2, lines 15-17) the SR (col 3, lines 60-64), semantic data evaluator (col 13, lines 30-34, dictionary definition of parser in Computer Science, to analyze or separate (input, for example) into more easily processed components.). Therefore, limitation is met by the reference.

In response to applicant's argument " Brown does not anticipate or disclose object oriented interface", the examiner respectfully disagrees. The Brown prior art teaches object oriented interface (col 14, lines 1-6, java is Developed by Sun Microsystems, Java is a programming language that is specifically designed for writing programs that can be safely downloaded to your computer through the Internet and immediately run without fear of viruses or other harm to your computer or files. Using small Java programs called "Applets", Web pages can include functions such as animations, calculators, and other fancy tricks. Java is a simple, robust, object-oriented, platform-

independent multi-threaded, dynamic general-purpose programming environment. It is best for creating applets and applications for the Internet, intranets and any other complex, distributed network, it can also be used to write applets. JavaScript – a scripting language commonly used on web pages. It has many uses, including validating fields in a form, or writing information to the user's screen).Therefore, limitations is met by the reference.

In response to applicant's argument " the Brown cite does not discloses a web page having a speech application script for tasking a SR system", the examiner respectfully disagrees. The Brown prior art teaches a web page having a speech application script for tasking a SR system (col 2, lines 9-21, Dictionary meaning for the script: is a simple program in a utility language or an application's proprietary language). Therefore, limitation is met by the reference.

In response to applicant's argument " the Brown cite does not discloses semantic tree", the examiner respectfully disagrees. The Brown prior art teaches semantic (col 13, lines 30-34) tree (col 9, lines 29-32, trees are indented to implement hierarchical structure). Therefore, limitation is met by the reference. Claims 1,2,4-9,11,14,17, and 16 stands rejected.

Art Unit: 2154

18. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case: the applicants alleged invention system is creating transactional speech system using Web technologies, Mikurak prior art teaches network/internet based supply chain environment (col 2, lines 53-67), and Brown prior art teaches Interactive Voice response system using web technologies. Applicant uses any commonly known scripting language such as Jscript, PerlScript, and Vbscript, So is Brown and Mikurak uses to implement the system. Consumer base for the Applicant and referenced prior art is similar.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS



ZARNI MAUNG
PRIMARY EXAMINER